

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**LABORERS' PENSION FUND and)
LABORERS' WELFARE FUND OF THE)
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS' DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, and JAMES S.)
JORGENSEN, Administrator of the Funds,)**

Plaintiffs,

V.

**DIAMOND CONCRETE SPECIALIST, INC.,)
an Illinois corporation,)**

Defendant.

Case No.: 08 C 2830

Judge Lefkow

MOTION FOR RULE TO SHOW CAUSE

Now come Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen (collectively referred to hereinafter as the "Funds"), by and through their attorney, Patrick T. Wallace, and hereby move this Court enter an Order directing Diamond Concrete Specialist, Inc. (hereinafter "Diamond Concrete" or the "Company") by and through Rick Lundy, an Officer and Shareholder of the Company, to appear and show cause why the Company should not be held in contempt for failing with this Court's Order dated July 31, 2008. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs filed a Motion for Order of Default and to Compel an Audit which was granted by this Court on July 22, 2008. In relevant part, the Order found Defendants in default and ordered Defendant to submit its books and records to an audit for the period of July 6, 2007 forward.

2. A copy of the Order was forwarded to Defendants on August 5, 2008. A true and accurate copy of the letter forwarding the Court's Order to Defendant is attached hereto as Exhibit A.

3. Defendant has failed to comply with the Court's Order. Accordingly, Plaintiffs respectfully request that this Court enter an Order directing Rick Lundy, as a representative of Diamond Concrete, to appear and show cause why the Company should not be held in contempt for failing to comply with the Court's Order. Plaintiffs further request that this Court award them their attorneys' fees and costs incurred in bringing this Motion.

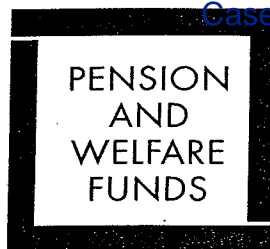
WHEREFORE, Plaintiffs respectfully request that this Court enter an Order directing Rick Lundy, as a representative of Diamond Concrete Specialist, Inc., to appear and show cause why the Company should not be held in contempt for failing to comply with the Court's July 31, 2008 Order. Plaintiffs further request that this Court award them their attorneys' fees and costs in bringing this Motion.

August 21, 2008

Laborers' Pension Fund, et al.

By: /s/Patrick T. Wallace

Office of Fund Counsel
111 W. Jackson Blvd., Suite 1415
Chicago, IL 60604
(312) 692-1540
(312) 692-1489 (fax)



**LABORERS' PENSION FUND and
HEALTH and WELFARE DEPARTMENT
of the CONSTRUCTION and GENERAL
LABORERS' DISTRICT COUNCIL of
CHICAGO and VICINITY**

11465 CERMAK ROAD
WESTCHESTER, IL 60154
Main # (708) 562-0200 Ext. 218

CHICAGO OFFICE
111 W. JACKSON BLVD., SUITE 1415
CHICAGO, IL 60604-3868
OFFICE: (312) 692-1540
FAX: (312) 692-1489

BOARD OF TRUSTEES

ADMINISTRATOR
JAMES S. JORGENSEN

SECRETARY
ALAN ESCHE

PENSION FUND

FOR LABOR
JOSEPH COCONATO
JAMES P. CONNOLLY
J. MICHAEL LAZZARETTO
RICHARD SHERMAN
LARRY WRIGHT
JEFF M. ZIEMANN

FOR EMPLOYERS
BENJAMIN D'ANDREA
ALAN ESCHE
RICHARD E. GRABOWSKI
ROBERT G. KRUG
DAVID H. LORIG
GARY LUNDSBERG

WELFARE FUND

FOR LABOR
JAMES P. CONNOLLY
MARTIN T. FLANAGAN
RICHARD KUCZKOWSKI
SCOTT PAVLIS
TIM RILEY
RICHARD SHERMAN

FOR EMPLOYERS
ALAN ESCHE
CHARLES J. GALLAGHER
RICHARD E. GRABOWSKI
DAVID H. LORIG
DENNIS P. MARTIN
TIM J. SCULLY

August 5, 2008

Rick Lundy
14445 S. Kedvale
Midlothian, IL 60445

Diamond Concrete Specialist, Inc.
c/o Joseph H. Bruckman, Registered Agent
14458 Karlov St.
Midlothian, IL 60445

Re: *Laborers' Pension & Welfare v. Diamond Concrete Specialist*
Case No.: 08 C 2830

Dear Messrs. Lundy and Bruckman:

Enclosed please find an Order finding Diamond Concrete Specialist in default, ordering the Company to obtain and maintain a surety bond, and ordering the Company to submit its books and records to an audit for the period of July 6, 2007 forward. Please contact me immediately to arrange for compliance with the enclosed Order including submission of proof of bonding and submission of the Company's books and records to the audit. Be advised that if I have not received compliance with the Court's Order or on before Wednesday, August 20, 2008, I will file the appropriate Motion for Rule to Show Cause why the Company should not be held in contempt of court.

Very truly yours,

LABORERS PENSION AND WELFARE FUNDS

Patrick T. Wallace

Patrick T. Wallace
PTW/kt

Encl.

Reply to Chicago Office

EMPLOYER PARTICIPANTS -

Builders' Association, Employing Plasterers' Association, Underground Contractors' Association, Mason Contractors' Association, Concrete Contractors' Association, Wrecking Contractors, Concrete Products Employers, Lake County Illinois Employers, Illinois Road Builders Association, Bridge and Highway Structural Builders; i.e. all those who employ Laborers Engaged in the Building and Construction Industry.

FILE COPY



BR

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LABORERS' PENSION FUND and)
LABORERS' WELFARE FUND OF THE)
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS' DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, and JAMES S.)
JORGENSEN, Administrator of the Funds,)
Plaintiffs,)
v.)
DIAMOND CONCRETE SPECIALIST, INC.,)
an Illinois corporation,)
Defendant.)

Case No.: 08 C 2830

Judge Lefkow

ORDER

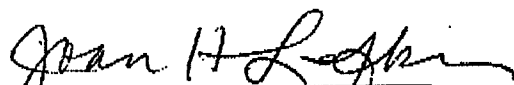
This matter having come to be heard on the Motion of Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen, Administrator of the Funds ("Funds") Order of Default and to Compel an Audit, due notice having been given, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. That Defendant Diamond Concrete Specialist, Inc. is in default.
2. The Company is hereby directed to promptly submit its books and records for an audit by the Funds for the period of July 6, 2007 forward.
3. The Company is hereby directed to obtain and maintain a surety bond in accordance with the terms of the collective bargaining agreement.

FURTHER, the Court retains jurisdiction to enter judgment in sum certain upon the completion of the audit, plus attorneys' fees and expenses and such other and further relief as may be just and appropriate.

ENTER:


The Honorable Joan Humphrey Lefkowitz
United States District Court Judge

Dated: JUL 31 2008

CERTIFICATE OF SERVICE

The undersigned certifies that he caused a copy of the foregoing Motion for Rule to Show Cause to be served upon the following persons via mail this 21st day of August 2008.

Diamond Concrete Specialist, Inc.
c/o Joseph H. Bruckman, Registered Agent
14458 Karlov St.
Midlothian, IL 60445

Diamond Concrete Specialist, Inc.
c/o Richard Lundy
14445 Kedvale
Midlothian, IL 60445-2716

/s/ Patrick T. Wallace

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LABORERS' PENSION FUND, et al.,)	
Plaintiffs,)	
v.)	Case No.: 08 C 2830
)	
DIAMOND CONCRETE SPECIALIST, INC.,)	Judge Lefkow
an Illinois corporation,)	
Defendant.)	

ORDER

This matter having come to be heard on the Motion of Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen, Administrator of the Funds ("Funds") for Rule to Show Cause, due notice having been given, and the Court being fully advised in the premises,

1. This Court preliminarily finds that Defendant Diamond Concrete Specialist, Inc. has failed to comply with this Court's Order dated July 31, 2008.

WHEREFORE, IT IS HEREBY ORDERED that Rick Lundy, on behalf of Diamond Concrete Specialist, Inc. shall appear before this Court on _____, 2008, at _____ a.m., to show cause, if any, why Defendant should not be adjudged guilty of and punished for contempt of Court for its failure to comply with this Court's July 10, 2008 Order.

ENTER:

The Honorable Joan Humphrey Lefkow
United States District Court Judge

Dated: _____